

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MONDELEZ GLOBAL, LLC

and

Case 13-CA-170125

BAKERY, CONFECTIONERY, TOBACCO
WORKERS & GRAIN MILLERS LOCAL
UNION NO. 300, AFL-CIO-CLC

**AGREED MOTION TO WITHDRAW EXCEPTIONS
TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE AND REMAND THE
CASE TO THE REGIONAL DIRECTOR OF REGION 13**

Charging Party Bakery, Confectionery, Tobacco Workers & Grain Millers Local Union No. 300, AFL-CIO-CLC (“Charging Party”) and Respondent Mondelez Global, LLC (“Respondent”) hereby jointly file this Motion to Withdraw Exceptions to the Decision of the Administrative Law Judge (“ALJ”) and Remand the Case to the Regional Director of Region 13 of the National Labor Relations Board (“NLRB”) in order to effectuate the Charging Party’s voluntary withdrawal of the charge.

The parties have reached a non-Board settlement agreement covering the matters involved in the subject charge. As a result, the parties jointly move to withdraw their exceptions to the ALJ’s decision and to remand the case to the Regional Director of NLRB Region 13.

Summary of Facts

The Union filed the subject unfair labor practice (“ULP”) charge on February 22, 2016 alleging that the Employer violated Section 8(a)(5) of the National Labor Relations Act (“NLRA” or “Act”) by failing and refusing to provide certain information to the Union regarding

the Employer's movement of work from its Chicago Bakery to Mexico. Region 13 of the NLRB issued a complaint on the charge, as well as two separate charges, on October 28, 2016. On February 7, 2017, the ALJ issued an order severing the subject ULP from the other two ULPs, which the parties settled. On April 28, 2017, the parties submitted a Joint Motion to Submit Stipulated Record to the ALJ and Joint Stipulation of Facts. The ALJ granted the motion on May 3, 2017. The parties submitted their briefs to the ALJ on June 7, 2017.

On August 14, 2017, the ALJ issued a decision dismissing the complaint and finding that the Employer did not violate 8(a)(5) of the Act by refusing to provide all of the information requested by the Union. Both the Union and the Employer filed exceptions to the ALJ's decision. The General Counsel did not file exceptions to the ALJ's decision.

In the fall of 2017, the Union and the Employer began negotiating a settlement agreement resolving a number of issues, including the subject matter of the present charge and complaint. On January 4, 2018, the parties signed a Settlement Agreement and Release of Claims ("Settlement"). The Settlement provides, among other things, that recall rights will be restored to employees whose recall rights expired after being laid off from the Employer's Chicago Bakery in March 2016; that the Employer will recall at least twenty-two employees from the recall list; and that the Employer shall place a new line of the future into the Chicago Bakery. In exchange, among other things, the Union agreed to withdraw with prejudice its charge in this case, as well as its grievance regarding the Employer's movement of work to Mexico.

Legal Basis for Withdrawing Exceptions

Section 102.9 of the Board's Rules and Regulations provides that "[a] charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be

made by any person. Any such charge may be withdrawn ... after the case has been transferred to the Board pursuant to section 102.45, upon motion, with the consent of the Board.” 29 CFR § 102.9. The Union and the Employer request that, pursuant to Section 102.9, the Board grant the parties’ motion to withdraw their exceptions and remand the charge to the Regional Director of Region 13.

Respectfully submitted,

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